

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

This amendment adds, changes, and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claims remain under examination in the application, is presented, with an appropriate defined status identifier.

Claims 71 and 77 are currently being amended. Claims 83-88 have been added. No claims are being cancelled. Accordingly, claims 71-88 are currently pending in the present application.

Claim Objections

In Section 2 of the Office Action, the Examiner objected to claims 71 and 77 as missing the word "to." Claims 71 and 77 have been amended to make the correction suggested by the Examiner.

Claim Rejections – 35 USC §112

In Section 4 of the Office Action, the Examiner rejected claims 71-82 under 35 USC §112, second paragraph asserting that the claims are indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner stated that it is unclear how the Web portal can

operate in both an anonymous and a registered mode.

Claims 71 and 77 have been amended to clarify that the Web portal operates in one of an anonymous mode or a registered mode based on whether the user has successfully logged in to the web portal and been authenticated. Entry of the amendments and withdrawal of the rejection of claims 71-82 under 35 USC §112 are respectfully requested.

Claim Rejections – 35 USC §103

In Section 9 of the Office Action, the Examiner rejected claims 71-82 under 35 USC §103(a) as being unpatentable over U.S. Patent No. 6,988,075 to Hacker (hereinafter “Hacker”) in view of U.S. Patent No. 6,757,898 to Ilсен, et al. (hereinafter “Ilсен”). Applicants respectfully traverse the rejection based on amendments made to claims 71 and 77.

Claims 71 and 77 have been amended to recite an electronic medical record created and maintained by a healthcare provider that is configured to receive patient sourced medical data. The electronic medical record includes a portion created by the patient, allowing the patient to provide patient sourced medical data such as a daily log, physiology measurements, questions for their physician, etc. Patient sourced medical data does not include appointment scheduling information. (See Application, paragraph [0025]) This portion may be accessed in either an anonymous mode or a registered mode. The electronic medical record includes a second portion created and maintained by the healthcare providers that includes data of the clinical medical record including

patient medical records, test results, patient charts, etc. Because of the more sensitive nature of this type of information the record is configured to only allow access to this information if the user is properly registered, i.e., if they have been authenticated.

Neither Hacker nor Ilсен teaches or suggests an electronic medical record created by a healthcare provider and having a patient-sourced medical data portion and a medical record portion where access to the patient medical record portion requires that the user be registered. Hacker, in the section cited by the Examiner, teaches that patient can access their medical data via a standard Web browser and that access can be controlled, but does not teach or suggest that the medical data includes a patient sourced medical data portion. (Hacker, col. 8, lines 46-55) Ilсен does not cure this deficiency. Ilсен, in the sections cited by the Examiner, teaches a patient scheduling system. There is no suggestion that the system of Ilсен be configured to allow patient to enter medical data into a medical record created by the healthcare provider or that such data be accessible in an anonymous mode while access to a medical record portion requires registration.

Applicants respectfully disagree with the Examiner's assertion that "Ilсен teaches a system that accepts patient-sourced medical data through a computer-implemented Web portal tha operates in an anonymous mode in which the patient is provided with access to the patient-sourced medical data when the patient is not fully identified. (citing Ilсен, col. 13, lines 20-48) The patient sourced information referenced by Ilсен is only appointment information and does not include any patient sourced medical data. Patient sourced medical data does not include appointment scheduling information. (See Application, paragraph [0025])

Accordingly, Hacker and Ilsen, even combined, fail to teach or suggest all of the limitations of claim 71 and 77. Claims 72 through 76 depend from claim 71 and include all of the limitations thereof. Claim 78-82 to depend from claim 77 and include all the limitations thereof. Accordingly, these claims are allowable for at least the same reasons as the independent claims from which they depend. Reconsideration and allowance of claims 71-82 is respectfully requested.

New Claims

Claims 83-88 have been added. Claim 83 recites a computer-implemented “Web portal accepting patient-sourced medical data from the patient in an anonymous mode in which the patient is provided with access to the patient-sourced medical data but not provided with permission to make appointments and request services of the healthcare providers when the patient is not fully identified.” Neither Hacker nor Ilsen describes a web portal accepting patient sourced medical data but denying access to appointment scheduling and service requests.

Claim 83 further recites that the web portal includes “an option to convert to a registered mode wherein the patient-sourced data is incorporated into the clinical medical record when the patient has registered and thus is fully identified and wherein the patient is permitted to make appointments and request services of the healthcare providers.” Neither Hacker nor Ilsen teaches or suggests such a conversion option. Entry and consideration of new claim 83 is respectfully requested.

Claims 84-88 depend from claim 83 and include all of the limitations thereof.

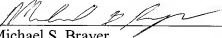
These claims are believed to be allowable for at least the same reasons as claim 83. Entry and consideration of new claims 84-88 is respectfully requested.

Conclusion

Applicants believe that the present application is in a condition for allowance. Applicants appreciate consideration of the above remarks and invites that the Examiner to telephone the undersigned in the event a telephone discussion would be helpful in advancing the prosecution of the present application. The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 50-1170.

Respectfully submitted,

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